

**Before the State of South Carolina
Department of Insurance**

In the Matter of:

SCDOI File Number 124953

Phillip Tumminia

300 4th Street S.E.
Apartment 33
Charlottesville, Virginia 22902

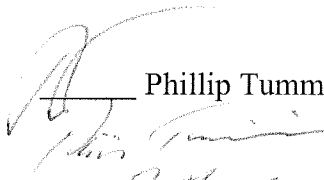
**Consent Order
Imposing Administrative Penalty
\$300**

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and Phillip Tumminia, a producer licensed to transact business in the State of South Carolina.

Phillip Tumminia acknowledges that he failed to forward in a timely manner \$245.20 in premiums received from various consumers to American General Life and Accident Insurance Company. This is a direct violation of South Carolina Code that can ultimately lead to the revocation or suspension of a producer's license to transact the business of insurance in South Carolina.

Prior to the initiation of any administrative proceedings by the Department against Phillip Tumminia, the parties agreed to submit the entire matter to me, along with their specific recommendation, for my summary decision, rather than to proceed toward a formal public hearing. **The consensual recommendation was that in lieu of the Department seeking to revoke producer's license, he would pay an administrative fine in the total amount of \$300. The administrative fine will be paid no later than March 8, 2006.**

Section 38-13-160 of the South Carolina Code states that, "The director or his designee may require any authorized insurer or its officers to answer any inquiry in relation to its transactions, condition, or any connected matter necessary to the administration of the insurance laws of the State. Every corporation or person must reply in writing to the inquiry promptly and truthfully, and every reply must be verified, if required by the director or his designee, by the individual or by the officer or officers of a corporation as he designates." Section 38-5-120 states, in pertinent part, that the Director of Insurance "shall revoke or suspend certificates of authority granted to an insurer...if he is of the opinion upon examination or other evidence that...(t)he insurer has not complied with the law or with the provisions of its charter." Alternatively, § 38-5-130 provides that in lieu of license revocation or suspension, the Director may impose a monetary penalty as provided in § 38-2-10.


Phillip Tumminia
Broken 2006

After a thorough review of the record, carefully considering the recommendation of the parties, and pursuant to my findings of fact, I hereby conclude as a matter of law, that Phillip Tumminia has violated S.C. Code § 38-43-130 (c) (4).

By the signature of Phillip Tumminia upon this consent order, he acknowledges this administrative order as a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 2000).

Nothing contained within this administrative order should be construed to limit, or to deprive any person of, any private right of action under the law. Nothing contained within this administrative order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement officer or judicial officer. Nothing contained within this administrative order should be construed to limit the statutory duty, of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the laws relative to the business of insurance or the provisions of this title which he considers necessary to report." S.C. Code Ann. § 38-3-110 (Supp. 2004).

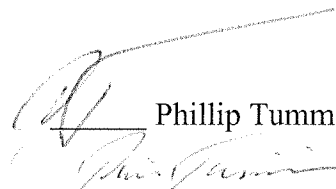
It is, therefore, ordered that Phillip Tumminia shall, pay through the South Carolina Department of Insurance an administrative fine in the total amount of \$300.

It is further ordered that a copy of this consent order be immediately transmitted to the National Association of Insurance Commissioners for distribution to its member states.

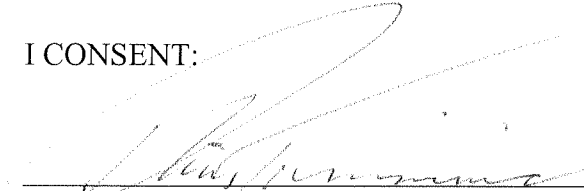
This consent order becomes effective as of the date of my signature below.


March 7, 2006
Columbia, South Carolina


Eleanor Kitzman
Director of Insurance


Phillip Tumminia
30 March 2006

I CONSENT:

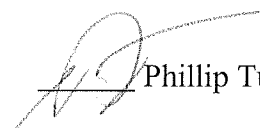

Signature


Printed Name

Title

Phillip Tumminia
300 4th Street S.E.
Apartment 33
Charlottesville, Virginia 22902

Dated this 3 day of March 2006.

 Phillip Tumminia